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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,416	01/06/2005	Serge Creutz	SN131 PCT I	8963
137 7590 10/01/2007 DOW CORNING CORPORATION CO1232 2200 W. SALZBURG ROAD P.O. BOX 994 MIDLAND, MI 48686-0994			EXAMINER BOYER, CHARLES I	
			ART UNIT 1751	PAPER NUMBER
			NOTIFICATION DATE 10/01/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents.admin@dowcorning.com

Office Action Summary

Application No.

10/521,416

Applicant(s)

CREUTZ ET AL.

Examiner

Charles I. Boyer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 16-18, 20, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 16-18, 20, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to applicants' request for continued examination received August 2, 2007. Claims 1-12, 14, 16-18, 20, 24, and 25 are currently pending.

Claim Rejections - 35 USC § 102

All prior art rejections under 35 U.S.C. 102 are withdrawn in view of the cancellation of claim 13.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 11, 17, 18, 20, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al, US 4,719,034.

Yamada et al teach a solid silicone defoaming agent comprising 30% of a silicone composition consisting of finely divided silica and a dimethylsiloxane-methyltetradecylsiloxane-methyl(2-phenylethyl)siloxane copolymer, 30% glyceryl monostearate, and 20% propylene glycol monostearate (col. 6, example 3). Note that suitable glycerol esters of the invention include glycerol triesters and suitable propylene glycol esters of the invention include propylene glycol diesters (col. 2, lines 52-63). Accordingly, it would have been obvious to one of ordinary skill in the art to substitute either a propylene glycol diester or glycerol triester for one of the

monoesters in example 3 and so render obvious the claims at hand, as diester and trimester are taught as suitable in these compositions.

Applicants have traversed this rejection by making a general statement that the invention is not taught by the reference, but fail to provide evidence or argument to support the statement. The examiner maintains the siloxane copolymer will satisfy the siloxane fluid claimed, the silica satisfies the filler claimed, a glycerol triester, taught by the reference, will satisfy component A, and the propylene glycol monostearate serves as component B. Accordingly, the rejection is maintained.

3. Claims 1, 2, 4-12, 14, 17, 18, 20, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid et al, US 6,610,752.

Schmid et al teach defoamer granules comprising polydimethylsiloxane, microfine silanized silica, paraffin, and bis-stearyl ethylenediamide (col. 28, example 6). Suitable organopolysioxanes of the invention may have as their substituents, methyl, ethyl, propyl, butyl, and phenyl (col. 2, lines 34-43). Besides silicones, other defoamers for use in the invention include the mono, di, or triesters of glycerol (col. 4, lines 64-67). Note that these granules are added to detergents which may contain well known nonionic surfactants such as ethoxylated alcohols and ethoxylated alkyl phenols (col. 9, lines 40-67). Schmid et al do not specifically teach a combination of silicone defoamers and mixtures of glycerol esters, however, as these esters are specifically taught as well known defoamers, it would have been obvious to one of ordinary skill in the art to formulate a defoaming granule incorporating these esters with a reasonable expectation of enhancing its defoaming efficacy.

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Applicants have traversed this rejection by making a general statement that the invention is not taught by the reference, but fail to provide evidence or argument to support the statement. The examiner maintains organopolysiloxanes having as their substituents ethyl, propyl, butyl, and phenyl will satisfy the siloxane fluid claimed, the silanized silica satisfies the filler claimed, a glycerol triester, taught by the reference, will satisfy component A, and the bis-stearyl ethylenediamide serves as component B. Accordingly, the rejection is maintained.

4. Claims 1, 2, 5-7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koczo et al, US 5,846,454.

Koczo et al teach an antifoam concentrate comprising a polydiorganosiloxane, fine solid particles, and a nonionic emulsifier (see abstract). Suitable organic groups of the organosiloxane include ethyl, propyl, butyl, or phenyl (col. 2, lines 55-57), and the emulsifier component may contain two emulsifiers, one with a low HLB (sorbitan tristearate) and a high HLB (glyceryl monolaurate and ethoxylated alcohols) (col. 4, lines 28-35). It would have been obvious to one of ordinary skill in the art to prepare a composition comprising an organosiloxane including an ethyl, propyl, butyl, or phenyl group, fine solid particles, and two emulsifiers including sorbitan tristearate and glyceryl monolaurate, and so render obvious the claims at hand.

Applicants have traversed this rejection by making a general statement that the invention is not taught by the reference, but fail to provide evidence or argument to support the statement. The examiner maintains the claims at hand are rendered obvious by the reference and so the rejection is maintained.

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5. The rejection of claims 1-11, and 13-20 under 35 U.S.C. 103(a) as being unpatentable over Dickinson, GB 1,523,957 in view of Schmid et al, US 6,610,752 is withdrawn upon further consideration by the examiner..

6. Claims 1-11, 14, 16-18, 20, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid et al, US 6,610,752 in view of L'Hostis et al, EP 1,075,863.

Schmid et al are relied upon as set forth above. Schmid et al do not teach a silicone resin in their defoamer granules. L'Hostis et al teach a silicone foam control granule comprising an organic fluid, a siloxane resin containing MQ groups, a silica filler having a particle size of from 0.5 to 30 microns, a particulate carrier, and a mixture of polydiorganosiloxanes, wherein at least one of the organic groups is a phenylpropyl group (page 10, claims 1-4, 10, 15, and 24).

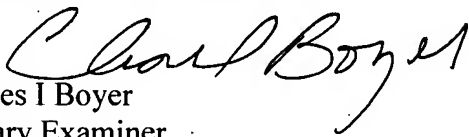
Accordingly, it would have been obvious to one of ordinary skill in the art to incorporate a siloxane resin into the defoaming granules of Schmid et al, as such resins are taught as highly preferred components in silicone-based defoaming granules.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Charles I Boyer
Primary Examiner
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